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UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. 3 05 70552

Plaintiff, )

v. )

SHEILA WHITTENBERG, )

Defendant. )

~~PROPOSED~~ ORDER AND  
STIPULATION FOR CONTINUANCE  
FROM OCTOBER 14, 2005 TO OCTOBER  
28, 2005 AND EXCLUDING TIME FROM  
THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A)) AND WAIVING TIME  
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of November 18, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from October 28, 2005 to November 18, 2005.

The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on her own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from October 28, 2005 to  
9 November 18, 2005, outweigh the best interest of the public and the defendant in a speedy trial.  
10 § 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on November 18, 2005, at 9:30A.M., and (2) orders  
13 that the period from October 28, 2005 to November 18, 2005 be excluded from the time period  
14 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial  
15 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: \_\_\_\_\_ /s \_\_\_\_\_  
20 RON TYLER  
21 Attorney for Defendant

22 DATED: \_\_\_\_\_ /s \_\_\_\_\_  
23 ROBERT DAVID REES  
24 Assistant United States Attorney

25 IT IS SO ORDERED.

26  
27 DATED: 11/2/05  
28 \_\_\_\_\_  
HON. NANDOR VADAS  
United States Magistrate Judge